



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, TUESDAY, SEPTEMBER 18, 2007

No. 138

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for the promise of this new day, a gift from Your bounty. We praise You for opportunities to solve problems that keep so many people in life's margins. Please make Your presence felt today on Capitol Hill.

May the whisper of Your wisdom fill our Senators with peace, power, and praise. Infuse them with confidence in Your providence, and in the ultimate triumph of Your purposes. Empower them to see their challenges from Heaven's perspective, and to rejoice that no weapon formed against them will prosper. Give each lawmaker a heightened sense of the special role You have for him or her to play in Your unfolding drama of human history.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by Senator MCCONNELL and me, the Senate will be in a period of morning business for an hour, with Republicans controlling the first half and the majority controlling the second half.

After this period of morning business, the Senate will proceed to H.R. 1124, the DC College Access bill. The bill will be considered under a very short time agreement. Members should expect a rollcall vote around noon or maybe even before that. Upon disposition of the DC College Access bill, the Senate will recess for the regular party meetings.

This afternoon, when the Senate resumes at 2:15, there will be 15 minutes of debate prior to a vote on the motion to invoke cloture on the underlying bill, the DC Voting Rights bill. Of course, if cloture is invoked, the Senate will remain on the motion. If cloture fails, the Senate will resume consideration of the Department of Defense authorization measure.

Mr. President, I would also say with respect to the schedule we have this week, we have a lot of work to do, but

the most religious, the most important holiday of the year for those of the Jewish faith, begins this Friday at sundown. Yom Kippur is the holiest of days for Jews all around the world, and there are a number of the Jewish faith who need to be on the west coast by sundown on Friday. Therefore, we will probably not have any votes after about 10:30 or quarter to 11 on Friday. We have a lot of work to do, but this is something that is important and necessary that we do.

LEAVE OF ABSENCE

Mr. REID. Mr. President, Senator BYRD is necessarily absent from the Senate today until approximately 6 p.m. because he is accepting an honorary degree for his late wife Erma at Wheeling Jesuit University in Wheeling, WV.

DC VOTING RIGHTS AND COLLEGE ACCESS

Mr. REID. Mr. President, let me also say this about the remarks I am about to give. This has no negative reflection on my distinguished colleague, the Senator from Kentucky. He and I disagree on a number of issues. We have had longstanding debates here on the Senate floor about how he feels about campaign finance reform. He approaches this on an intellectual basis. I think I am right; he thinks he is right. But it doesn't take away from my respect for his having the right to have an opinion here in the Senate about the issue of campaign finance. The same, I think, on the issue of flag burning, for example. He will disagree with me on the DC Voting Rights bill. That is his privilege. He does it on an intellectual basis, a conclusion that he has reached. So my remarks have nothing to do, in any way, with an intention to denigrate my friend's feelings about this bill.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Yesterday we celebrated the 220th anniversary of the signing of our Constitution, and I talked about it yesterday. In its preamble, our Founders laid out the values to which our Nation has aspired: justice, domestic tranquility, common defense, general welfare, the blessings of liberty. The Government which has endured, our Government, and served us so well, recognized these goals could only be secured by equal representation. That means the right to vote, the right to elect individuals who will protect and promote our personal rights as well as the national interest.

The universal right to vote was established a long time ago with the 15th amendment, which barred discrimination based on race, with the 19th amendment, which guaranteed the right for women to vote, and with the Voting Rights Act, which ensured enforcement of these laws for people no matter their color.

In 1873, Susan B. Anthony faced trial for voting illegally, a woman who voted. In her defense she said:

In the first paragraph of the Declaration of Independence is an assertion of the natural right of all to the ballot; for how can "the consent of the governed" be given, if the right to vote be denied?

Today the right to equal representation is still denied to residents of the District of Columbia. These nearly 600,000 Americans pay Federal taxes, sit on juries, serve in our Armed Forces. Yet they are given only a delegate in the Congress, not a real voting Member. This is nothing more than shadow representation. This injustice has stood for far too long. We haven't voted on this matter for some 50 years. It is time we did that again. Shadow representation is shadow citizenship.

This afternoon we will move to vote on a bill that honors the residents of the District who responsibly meet every single expectation of American citizenship but are denied this basic civil right in return. I commend Senator LIEBERMAN, who has taken the leadership on this issue for no reason or agenda other than he thinks it is the right thing to do.

I urge all my colleagues to vote for cloture so we can guarantee the full rights of citizenship for District residents.

I also urge my colleagues to support reauthorization of the DC College Access Act, which we will vote on this morning. This provides to District students who would otherwise be unfairly disadvantaged by the lack of in-State universities. It provides scholarships to make up the difference between in-State and out-of-State public universities. It doesn't allow any student to get in who is not qualified. It does allow a differential in the method of paying. The DC College Access Act levels the playing field and unlocks the doors to education and all the opportunity it affords to thousands of American students right here in the District of Columbia.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TODAY IN HISTORY

Mr. MCCONNELL. Mr. President, historians tell us that George Washington's decision to preside over the Constitutional Convention lent instant credibility and respect to the document it produced, and yesterday we recalled the signing of that document upon which this Nation's laws and institutions are firmly built.

Six years later, George Washington would lend his reputation to another enduring work, a white beacon of stone and mortar that inspires us and others around the world more than two centuries later. On this day in 1793, George Washington laid the cornerstone to the United States Capitol. The building would take nearly a century to complete, but the magnificence of the finished product would stand as a testament to the perseverance of generations of Americans, and to the enduring principles it was meant to embody and project. So we pause today to reflect on the many contributions of our first President, not only to this Nation but also to the city that bears his name, not the least of which is this gleaming symbol at its heart.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Kansas is recognized.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT

Mr. BROWNBACK. Mr. President, I rise to speak on the DC Voting Rights Act today. It is a tough issue. It is one with which I am familiar. I have chaired the DC Subcommittee both on the authorizing and the appropriating side. I have worked in the District of Columbia on a number of different issues. I reside here when I am not in my home State of Kansas. My home is in Kansas, but I have an apartment that is here, so I am living in the District. I have talked with many people about the Voting Rights Act issue. I am sympathetic with the people of the

District of Columbia not having an elected delegate to represent them, although I know very well the lady who is representing them in the House, ELIZABETH HOLMES NORTON, who is an outstanding Representative for the District of Columbia, although she does not have the right to vote on the floor. I have worked with her on many issues to rebuild the family structure in Washington, DC with things such as Marriage Development Accounts. I worked with her on revitalizing the District of Columbia with an economic revitalization bill that passed when I first came into the Senate in 1996. I worked with her and others on the schools in Washington, DC, and the deplorable state of the schools in Washington, DC.

I have worked on all these issues and I am familiar with this issue and the Voting Rights Act of 2007. Yet I cannot support this bill. I can and would support a constitutional amendment allowing the District of Columbia the right to vote in the House of Representatives, but I cannot support this Voting Rights Act. I want to speak here on the floor this morning and outline why I cannot vote for it.

Congress has long recognized we can only grant District residents the ability to participate in Federal elections through constitutional amendment. Congress has recognized that. Prior to 1961, for example, District residents were not permitted to vote in Presidential elections. Article II, section 1 of the Constitution expressly provides that the electoral college should be comprised of electors from each State, in a number equal to the State's combined congressional delegation. In the face of this express constitutional language, Congress recognized that a change in the law would require a change in the Constitution itself, looking at the plain meaning of the statute and the plain meaning of the Constitution. That is why, when we granted DC residents the right to participate in Presidential elections, we went about it the right way, by passing what would become the 23rd amendment to the Constitution, allowing DC residents the right to participate in a Presidential election.

We saw the plain meaning of the Constitution and we did the right thing; we amended the Constitution. Just as article II of the Constitution, which deals with the Presidency, limited the right to appoint Presidential electors to the States, article I, which deals with the Congress, clearly and repeatedly limits representation in the House and the Senate to the States. That is what it says. Article I says that the House:

shall be composed of members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

It requires that each Representative: when elected, be an Inhabitant of that State in which he [was] chosen.